

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SAOSITHA DENG,

Plaintiff,

v.

TRANSAM TRUCKING, INC., and

TODD BORNING,

Defendants.

Case No. _____.

NOTICE OF REMOVAL

Please take notice that pursuant to 28 U.S.C. §§ 1332(a), 1441, and 1446, Defendant TransAm Trucking, Inc. (“TransAm”) and Defendant Todd Borning (collectively “Defendants”), by and through counsel, hereby remove the above-captioned civil action from the District Court of Douglas County, Nebraska to the United States District Court for the District of Nebraska, Omaha Division.

Defendants state as follows:

1. On December 17, 2015, Plaintiff Saositha Deng filed his Complaint and Jury Demand in the District Court for Douglas County, Nebraska, case number CR 15-10735.
2. The Complaint asserts state based negligence claims against Defendants, and an agency and respondeat superior claim against TransAm. The Complaint also seeks exemplary damages against both Defendants.
3. This Notice of Removal is made pursuant to diversity of citizenship under § 1332(a).
4. There exists complete diversity of citizenship between the parties to the Complaint because Plaintiff is a citizen and resident of the state of California, TransAm is a

Missouri corporation with its principal place of business in Kansas, and Todd Borning is a citizen and resident of Kansas.

5. The Complaint alleges actual damages in an amount exceeding \$320,000; thus the amount in controversy exceeds the jurisdictional minimum of \$75,000 as set forth in § 1332(a).

6. TransAm was served with a copy of the Summons and Complaint on December 28, 2015.

7. Todd Borning was served with a copy of the Summons and Complaint on December 22, 2015.

8. Removal to this Court is proper under §§1441 and 1446 because the Complaint was filed in the District Court of Douglas County, Nebraska which is situated in this judicial district and division.

9. All documents served upon the Defendants, as well as the entire online state-court file, are attached.

10. Defendants will promptly serve a copy of this Notice of Removal on counsel for Plaintiff and will file a copy of this Notice of Removal with the Clerk of the Court of the District Court of Douglas County, Nebraska pursuant to § 1446(d).

11. Defendants request trial be held in Omaha.

WHEREFORE, Defendants request that this matter be removed from the District Court of Douglas County, Nebraska to the United States District Court for the District of Nebraska, Omaha Division.

DATED this 21st day of January, 2016.

TRANSAM TRUCKING, INC., and
TODD BORNING, Defendants

BY:

/s/ Matthew F. Heffron

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Attorney for the Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Removal was sent by regular United States first class mail, postage prepaid, to the following on this 21st day of January, 2016:

Jason G. Ausman
Ausman Law Firm, PC LLO
1015 N. 98th St.,
Suite 102
Omaha, NE 68114
Attorney for Plaintiff

/s/ Matthew F. Heffron

Matthew F. Heffron